

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 3RD OCTOBER 2006 / 11TH ASWINA 1928

Bail Appl..No. 5802 of 2006()

CRIME NO.626/2006 OF NEDUMANGAD POLICE STATION
.....

PETITIONER/ACCUSED:

SASIDHARAN NAIR, S/O.PADMANABHA PILLAI,
S.K.NIVAS, SREEMANKUNNU, VENKAVILA, IRINCHAYAM,
NEDUMANGAD.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03/10/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M.JAMES, J.

B.A. No. 5802 of 2006

Dated this the 3rd day of October, 2006

O R D E R

The learned counsel for the petitioner, Mr.T.A.Unnikrishnan, submitted, relying on the wound certificate that the injury sustained by the de facto complainant, 'is not so serious'.

2. I heard the learned Public Prosecutor. He placed before me the case diary file as well as the wound certificate. The petitioner is accused for the offence punishable under Sections 341, 294(b), 323, 324, 325 and 308 of the Indian Penal Code, in Crime No.626/2006 of Nedumangad Police Station. The petitioner chopped off a portion of the tip of the nose of the complainant, on 30/07/2006, at 4 p.m. The wound certificate reveal that the de facto complainant sustained a lacerated injury 2x2cm, chopping off the tip of the nose and also the loss of three lower incisor teeth. The petitioner is before this Court under Section 438 Cr.P.C.

3. After perusing the case diary file, the wound certificate and the hearing of the arguments advanced by both sides, I find that this is not a fit case to grant an order under Section 438 Cr.P.C. Hence, this application is dismissed.

(J.M.JAMES)
Judge

ms